

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SCOTT JACKSON AND MARIA JACKSON,
Individually, and on Behalf of All Others Similarly
Situated,

Plaintiffs,

v.

EME HOMER CITY GENERATION L.P., HOMER
CITY OL1 LLC; HOMER CITY OL2 LLC; HOMER
CITY OL3 LLC; HOMER CITY OL4 LLC; HOMER
CITY OL5 LLC; HOMER CITY OL6 LLC; HOMER
CITY OL7 LLC; HOMER CITY OL8 LLC; AND;
NEW YORK STATE ELECTRIC AND GAS
CORPORATION; PENNSYLVANIA ELECTRIC
CO.; EDISON MISSION ENERGY; MISSION
ENERGY HOLDING CO.; AND EDISON
INTERNATIONAL,

Defendants.

Civil Action No.: 2:11-cv-00028

JURY TRIAL DEMANDED

**NEW YORK STATE ELECTRIC & GAS CORP. AND PENNSYLVANIA ELECTRIC
COMPANY'S MOTION TO DISMISS**

Defendants New York State Electric & Gas Corp. ("NYSEG") and Pennsylvania Electric Company ("Penelec") submit this Motion to Dismiss, seeking the entry of an order dismissing all claims in the above-captioned matter against NYSEG and Penelec. The grounds for dismissal are further set forth in NYSEG and Penelec's Memorandum in Support of Their Motion to Dismiss, which is being filed contemporaneously herewith and which is incorporated herein.

WHEREFORE, NYSEG and Penelec respectfully request that the Court grant the instant Motion and enter the proposed Order attached hereto.

Date: April 21, 2011

BABST, CALLAND, CLEMENTS
and ZOMNIR, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following individuals via ECF this 21st day of April, 2011:

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